1952-53
(C M)

File No 27-52
Serial Nos 1,710, 11,

Later References
Cm 53 56 — 4
LLH 13C/B/A 57

GENERAL AND REVENUE SECRETARIAT

Serial Nos 4 P=29 B

Part B for June 1952

SUBJECT

Rules regulating the conduct of elections to the city Municipal councils

WD 01425—GPB—25 000—1 9 1952

L 2647 Dated 27.5.53

The Municipal Commissioner, Dharmapore city Municipality (Hist' and (-)

Issues certain instructions

Rules for the Conduct of elections to the [illegible] municipal Councils

222 [illegible] [illegible] [illegible] 5[illegible]

aspects and for their necessary amendments may be made in the light of the experience to be gained after the elections to the Davangere etc municipal Council

23) Subd for orders

[illegible] 23/4/52

24 Rule 7(3) may be amended as follows - "A claim or objection shall be accompanied by the documents if any on which the claimant or objector relies"

[illegible] 23/4/52

[illegible] 24/4

25 Besides the above changes, Rule 3 of the draft Rules has to be omitted in toto as this is nothing but a reproduction of section 10 (B) of the Mysore city Mlties ~~Act~~ Amendment Act of 1951, ~~As the~~ and there will be no meaning if a section is reproduced as a rule

A

26 After orders are passed on the suggestions made above suitable changes will be made in the rules & final draft will be submitted for approval

Secy) L.S.G)

[illegible] 24/4/52

935 24/4

27 As regards A - it has to be pointed out that some of the provisions of the Amendment Act of 1951 however

Rules for the Conduct of elections to the City Municipal Councils

625/mc

6

yet been applied to any City

they will be applied to any after the reconstitution & each Municipality It is ~~as~~ with a view to ensuring that the reconstitution will conform to the provisions of the Amendment Act that to some of the provisions of the Amendment Act have been incorporated in the Rules which will govern the elections for such reconstitution

2. The draft Rules will be issued with the above modifications

(Smt LSA & PH)

24/4

29
2. submitted 25/4/52

25/4

Letter no C3P R3/52
dt 22-4-52
from the PHC, Hyd
mlg

30 submitted with the Letter of the President of the Hyderabad Municipal

Rules for the conduct of elections of the city municipal councils ? [App F III 2

General and Revenue Secretariat

File No 526/ml of 19

WD 015452—G°B—PZS—40 000—1 10-51

Serial No

31) Govt received. The Md cl have made certain suggestions for the consideration of Govt. Govt orders whether the suggestions now received may be considered or whether the rules already offered may be notified. Draft notification is however put up for consideration — Ref para 2 above

These have been already considered

26/4 Secy KSP

32) M 26/4

33) Issue now to day & Send copies to Hl Commrs & Dpsrs & DVS. Issue now must come as a Gazette Extraordinary on 28/4/52. Put up letters to Hl Commr Dpsrs. Mr Dutt's proposals KS 26/4

KS

To

The compiler, Mysore Gazette

I. 1929/c ff 52-7/ dated 26 & 52

Notifies with modifications

copy to

1) Hl Commissioner Mysore city (Thro the Pdt)

2) Hl Commissioner Bangalore city (Thro the Pdt)

I 1926 7 / dated 26 & 52

NOTE—Contn Sheet

Rules for the conduct of elections to the city municipal councils

File No 525 V 595 Mnl 8 of 19

General and Revenue Secretariat

Serial No

From

Sri G.C Uppappa, B.A. LL.B Bangalore

Dated 18.4.52, Regarding the above subject

The notifications have already been issued. No action is to be called for from the Hl Commissioner, Mysore city. If approved this will be recorded

1 TRH 28/4

3 4) Dept Copy of the Municipal Councils Mysore re Cj as per orders at para 3 2 above Cj put up for approval

Mec 29/4/52 Secy dss 29/4 7/5

1319 2/5

25) Issue

Sd/

2/5

M 2/5

To

The Hl Commissioner

Mysore city Mly (thro Regd)

L 1647/C M 27-5-52-11

6-5-52

595 ✓ 7/4 Jml

Election - Davangere city MCC
ward list

Proc.

The Municipal Commr, Davangere city
no MC 3/52-53 dated 52

Forwards the calendar of events for
the ward elections

3a) The calendar (election) sent up by
the Commr is for perusal ~~of~~ the
provisions of the Karnataka election Rules
seems to provide for the publication of
the calendar of events, after the
electoral roll is finalised, the events
in the calendar have reference to
matters enumerated in Rule 15 of the
election Rules viz the publication of
the General Notice, preparation
electoral roll or the calendar of events
is not contemplated in the Rules and
may therefore not be quite in order.
Further the calendar as framed by the
Commr does not contain all the particulars
as which the Municipal Council to be published
and in the order given in Rule 15 and
hence it may
therefore be defective too.

3) However the publication of the
Calendar is the responsibility of the Commr
and any interference now may lead to
unnecessary confusion. Such actions
may 26/5/52 3b) Seen for orders
BR/MS

Election Vacancies etc etc
10 TH/me

39) The Commissioner has not sought
views of Govt on any points
He has sent the calendar of
Events for information of Govt
However he has to be instructed
that the Returning Officer is mainly
responsible for conducting elections
as per the Rules and that he should
prepare the Calendar carefully
and that it should be made
form and notice as required by
Rule 15 and the
15(1) details as required in
Rule 15 should be furnished
for orders whether the above
instructions may please be issued

Secy (HO) This seem from the explanation
L&J framed by the Commn that he

Election — Davangere city municipality
4141/me

He has not followed the instructions contained in rule 11 of the electoral rules for e.g. items 1 & 4 have in the [illegible] calendar of is which should be in the form of a notice fresh calendar ~~as given in the order~~ which order as given in rules should be prepared and published a month before the actual date of election. Even now the Commissioner will careful study the rules and particularly Rule 15 and take action at once as pointed out above for orders of a letter in the above effect may issue

27/1/12

Item for DSG)

2) As the ~~Hon~~ Govt is in the Cabinet meeting this letter may issue & the file may be submitted later for his perusal

27/1/12

27/1

[illegible] Mun. Corp
[illegible] for

4) 3) 27/1

4)

To

The Municipal Commr
Davangere city Mly
(thro the Pdt)
L 2665/dated 27-5-52

Elections — Davangere city municipality
714/mc

12

45) Submitted after issue — Para 41
TRK
28/5/52

OR
28/5/52 46) For favour of Perusal of
the Honourable Minister
for L S G and Public Health

29/5

Secy
L S G) 47) For perusal
30/5/52

Minister for L S G)
5/6

OFFICE OF THE MINISTER FOR PUBLIC HEALTH & LOCAL SELF GOVERNMENT
31 MAY 1952
No. 1208

11/6/52

12/6/52

12/6

From

The Municipal commissioner Dawangere City Municipality

No MC 3/52 53 Dated 29 5 52

Calendar Events - Election to the Dawangere City Municipality

13 5 33
HL

-(sq 'x' (reversed)

The Mysore Gazette dated 22 5 52 containing the Election calender referred to by the Municipal commissioner is put up for perusal

The main file on the subject has been submitted to Hon'ble minister for 2 & 3 on 31 5 52 with D No 716/MI as no action is called for on the present reference of the comm^r This will placed in the main file after its return from the minister

IRK 2/6

SR 3/6

2/6

27-52-1

M Vazeer Ahmed B S
M p l C mm n

DAVANGERE

8th April 1952.

J O No H C. 58 /51-52.
Encl One Telegram Copy

Last time when I met you, you promised me that the election rules pertaining to the election of members to the City Municipal Council would be sent for Gazette Publication and on its publication, I could take further action I have to put up election - Calendar and proceed with further work. I see from the last week's Gazette, that the Election rules have not been published I have tentatively fixed the event connected with the publication of the Preliminary Electoral Rolls on the 16th instant. In - view of this, I find it to be essential that the election rules will have to be published immediately, as otherwise I will not have sufficient time to complete the election proceedings by the end of June 1952.

I hope you will treat this matter as very urgent and intimate me the action taken by you so that I may get ready with my voters list I have this day sent you a reply telegram also in the matter

Yours Sincerely,

Sd/- M Vazeer Ahmed

To

Sri G.Ramachandra Rao,B.A.,LL B.,
Asst Secfetary to Government,
Local Self Government Department,
Bangalore

Copy to Sri V Hanumantha Rao B A ,(Hons), Asst Secretary to Government, Local Self Government Department, Bangalore for favour of information and needful action

Municipal Commissioner,
Davangere City Municipality

T E L E G R A M

(Reply Paid)

G Ramachandra Rao
Assistant Secretary,
Local Self Government Department,
Bangalore

PLEASE INTIMATE BY WIRE IF CITY MUNICIPALITIES ELECTION RULES ARE PUBLISHED PUBLICATION OF MUNICIPAL ELECTORAL ROLLS DAVANGERE FIXED 16th INSTANT TENTATIVELY

Municipal Commissioner

Not to be T elegraphed

8/4

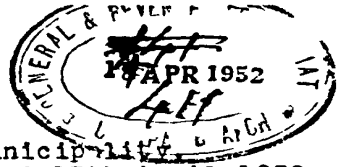
Municipal Commissioner,
Davangere City Municipality

" C O P Y "

IMMEDIATE

for ?

3



City Municipality
Mysore Dated 17th April 1952

To

The Assistant Secretary to Government,
L S G Department,
Bangalore

Sir,

I am desired to invite reference to this office letter No 7615 dated 16-4-1952 requesting for arranging to send 30 to 35 copies of the rules regulating the conduct of the elections to the Municipal Councils notified by the Secretary to Government, L S G Department recently and to state that much inconvenience is caused on account of the non-receipt of the same for enabling the distribution thereof to the members of the Council to furnish their opinion at a meeting convened on the 19th instant One of the clerks of this office has therefore been sent to Bangalore to take personal delivery of the books I am to request you kindly to have them delivered

to the bearer

Thanking you

Yours faithfully,

Yes Narayanaraj
For Municipal Commissioner

Mr MAS

18/4

S.O.,

It is ascertained that 30 copies of the notifications have been sent direct from the Govt press on the 4.52 each. Two official and the remaining to be sent directly to the Govt press

18/4/52

Govt 18/4/52

18/4

Two official copies of the Govt press and the corrections as communicated. The notifications have been sent to Govt on 16.4.52 if approved bills will be presented

18/4/52

Govt 18/4

Rules Regulating the conduct of elections to the city MC Cls 3
222 411 524 525

Rule	Suggestion made	Office note	opinion
		For the purpose may not be practicable or desirable at this stage	
(3) 36 – Closing of polls	Suggest modification of the proviso so as to entitle every elector who has been admitted before the Presiding Officer to vote before closing the polling area to record his vote before closing the polling area-	This is a mere procedural change and may perhaps be accepted if it is not otherwise legally objectionable	I opine every elector has been admitted into the polling at the stipulated hour the polling, even though [illegible] voting [illegible]
(4) Rule 88 Application of section relating to ballot papers	Suggest the making of provision to paste the spoiled votes cast and cancelled a ballot box	This may be accepted.	This has been accepted all doubts
(5) Rule 39- Sealing of Ballot Box before commencement of poll	Suggest that the locking and sealing of ballot boxes shall be done in the presence of the candidates, their agents and such of the electors as may be present at the time of commencement of the poll	This may also be accepted	This may be accepted

I opine that every elector who has been admitted into the Polling Area at the stipulated time at the time of closing the polling, should be given ballot paper & the voting ~~question~~ allowed

2/11/24

This has to be accepted to avoid all doubts later

2/11/24

May be accepted & the rule modified accordingly Law Secy opines that even changes which do not militate against the perspirit of the original draft are permissible

2/11/24

May be accepted

2/11/24

This may be accepted

2/11/24

May be accepted

Returning Officer's orders — Returning Officer's Clerk's Duty — Returning Officer's Clerk's Asst Duty — Rule No

This can be done only by Statute as it interferes with rights & property. Cart Bridges will however be made available for holding elections

The Deputy Commissioner may be given the power to commandeer Private Vacant buildings and hand them over to the Returning Officer for conducting the election work

-31- power to Commissioner Bene Civil (Supplied) Mil Comm Civil

This is very necessary to ensure the safe conducting of the Polling work. If this is not done, great confusion will be created at the very door of the building where the voters have to exercise their right of voting

33 Duties of Presiding Officer

39.- Ballot & Ballot Boxes

Order remarks against Proposal & Suggestions Ref 2 & 4

This is very necessary. If other than agents or the Candidates are not present, then the boxes have to be sealed in the presence of the electors this will not allow any room for suspicion

Order remarks against Proposal & Suggestions Ref 2 & 4

ulating the conduct of elections to the city Municipal councils V222 V411 V524 V525

Rule no	Suggestion made	Office note	Decision
43 - procedure before the ballot paper is delivered to the elector	Suggest amendment to provide for the issue of identification slip and verification of the elector with reference to said slip	Such a procedure was adopted at the corporation elections. This would facilitate the electors and the polling staff. The modification may perhaps be accepted	
31 - power to Returning Officer to appoint (Suggestion of Mr Conn. D V)	Suggest that an corporation also following as Rule 31(2) + The Returning Officer shall have power to commander such clerks and other persons as they may require for duty at the following stations:	Such a power cannot be given under these Rules	
33 Duties of polling officers	(The giving of power to R.O. to) Suggests protecting Constables on duty at a specified area	Such a power cannot again be given under this Rule	
39 - Sealing of Ballot Boxes	Suggest clerk to be done in the presence of Candidates or their authorised agents	Vide Remarks against Rule 5	

22) The Rules may perhaps now be passed as corporations only the minor modifications touching the procedural

Secretary's Orders

Remarks Secy

Remarks of the Secretary-Secy

are (1) 21 years age on the 1st day of the preceding the date on which the Electoral Roll is published and (2) Residence for 18 mths in the Constituency prior to the date of Publication of the Roll. It will be very easy to decide these points on the application of the Party who has to produce documents to prove both as per Sec 19 of the Act & Rules thereof. There seems to be no need to provide for any appeals in this respect. However But the only thing we represent that there power to the matter of appeals is taken away and that the Govt be given appellate powers. I think there is no need to give any appellate powers

I agree
The city Mu
Council Mysore
may be inti-
mated accordingly
& also informed
that the Govt will
be requested
to amend the
Rules in the
light of the ex-
perience gained
during the election
to Dvg Mcpty in
June 1952

RG
24/4

There can be no difficulty in the opinion on the 126 130 and 131 of the Const But there Rep of Papers Act provisions should be inserted in the Statute & not to be made by the Govt in these rules also as they affect fundamental rights of assembly Speech etc.

RG 24/4

Rule 34 - Removal for Recount at the discretion of Returning Officer

egulating the conduct of election to the city
nicipal councils in 222 V 411 V 524 V 525

Orders

Suggestion made

for an appeal to
lie to both from
the decision of
the Council as it
was in the old
Rules

Appeal
in the
to
days
or to
Election
any
on
why who
to
ie 3 of Rule 7
herefore
read to
ppeals in this
Rule city Hlby Mysore
the the matter of
and that they may
what there is no
owers

Office able

le excluded to all
adults of either sex
ar less real property
or educational
qualifications save
there may exist the
no necessity to
place two reports
the Returning officer
before the Council
for a decision and
for an appeal to
Govt from the Council's
decision which entails
avoidable delay The
Commissioner to fill all
ce due to the Corporations
from 1 & 52 under
Rule 2 the electoral
Rolls have to be prepared
months prior of the
suggested modifications
accepted cannot
hardly be any time
to hold the elections
to the Commissioner to
ml of the process
now made in the draft
Rules closely follows
the Election Rule to
town all of cost there
appears to be no need
to modify

These provisions which
lies ml of respect to
the incorporated in the
Rules relate to procedure
of meetings on the election
day and such other provisions
for the peaceful conduct
of the elections Such MS &
Subsequent provisions may respect
not be desirable in the
of municipal Collections, which
may it be legally possible
to insert there in the
Rules Separate legislation

Rule 34 -
Removal for
misconduct
at polls &
Election

Suggest the
insertion of
provisions
similar to
Sec 126 130
and 131 of
the Representa-
tion of the
people Act
1951

222 √524 √525

Rules Regulating the Conduct of elections to the City municipal Councils

Proc

The Municipal Coucer, Mysore city Rlg No. E2 PR 3/52 53 Dated 22 4 52 forwards a copy of the proceedings of the meeting of the municipal Council held on 19 4 52 suggesting certain amendments to the draft Rules for Consideration

2) The Municipal Council Davangere city No. A2 151/50-51 Dated 21 4 51 proposes its own amendment to Rules 33 & 39 31 as the Council has no Remarks to offer

2) The Mysore city Rlg Coucer has sent a copy of the proceedings of the meeting held on 19-4-52 at which the Rules (draft) were considered and the Coucer, Davangere city Report that the amendments to above the draft was approved had no Remarks to offer He has however suggested a few of his own amendments the suggestions offered by them and the Remarks of the offrs are noted below for Consideration and orders.-

Rule Nos	Suggestion made	offrs note	Remarks of the Returning officers
① 8, 9 & 16 Enquiry into, claims & objections	Desires the insertion of a provision for a report by the Returning officer for the decision of the Council and	After the amendment of the city Municipalities Act the Act up has entirely changed the result & therefore	Now the duty of the Returning officer are for the qualified for the

Proceedings of the Special Meeting of the Mysore City Municipal Council held on Saturday the 19th April 1952, at 4 p m in the Municipal offices

---

29 Consideration of the draft rules for regulating the conduct of election of Members to the City Municipal Councils notified in L S G Secretary's notification No L 742-CH/ 27-52-2 dated 11-4-1952

After a general discussion on the subject the Council resolved to make the following suggestions for the consideration of the Government before the proposed draft rules are finally approved

Rule No 8,9 and 10

Inquiry into claims and objections

The Council observed that the draft rules 8,9, and 10 take away the power which the Council had with regard to claims and objections, addition and alteration of the names of voters and other particulars and vest the entire authority in the Returning Officer The Council were of opinion that the provision of a report by the Returning Officer for the decision of the Council and of appeal to Government from the decision of the Municipal Council as laid in Rule 8 of the rules issued in Govt Notification No L 2150 M1/92-33-5 dated 18-9-1933 is necessary and desirable

Rule No 34

Removal for misconduct in polling station

The Council felt that the provision in Section 126, 130 and 131 of the Representation of the People Act 1951 were very salutary and contributed much to the smooth conduct of the last General Elections It was the view of the Council that similar provision should be inserted in the proposed draft rules before Rule No 34

Rule No 36

Closing of polling

The Council felt that the present proviso in the proposed rule No 36 may be modified so as to entitle every elector who has been admitted before the stipulated time into the polling area to record his vote before closing the polling work All electors who are already

within the polling station before the closing hour, whether a ballot paper has been delivered to them or not, should be allowed to record their votes

Rule No 38

Supply of elections materials & ballot boxes

The Council felt that the directions contained in the first sentence of Rule 38 require to be amplified with reference to Rule 19 of the Representation of the People (Conduct of Elections and Election Petitions) Rules 1951, especially in respect of pasting the symbols both inside and outside a ballot box

Rule No 39

Sealing of ballot box before commencement of poll

The Council noted that the procedure proposed with regard to sealing ballot boxes before the commencement of the poll indicates that though the candidates or their agents or other voters are present their presence may be ignored and the Returning Officer may have the boxes sealed They felt however that it was desirable that locking and sealing of ballot boxes should be done in the presence of the candidates, candidates' agents or such of the electors as may be present at the time of commencement of the poll They wish to invite reference in this connection to the relevent portions of Rule 21 of the Representation of the People (Conduct of Elections and Election Petitions) Rules 1951

Rule No 43

Procedure before the ballot paper is delivered to the elector

The Council felt that Rule 43 be amended as follows - after the words 'shall be verified' occuring in the third line of the above rule printed on page 12 of the draft rules, the following be added

"with reference to an identification slip issued by the Returing Officer or an other Officer authorised by him - containing the name of the voter and other particulars relating to him including the name of the polling station at which he has to vote"

The rule as amended will read as follows

Immediately before a ballot paper is delivered to an elector, the number, name and description of the elector as stated in the electoral roll shall be verified with reference to an identification slip issued by the Returing Officer or

any officer authorised by him containing the name of the voter and other particulars relating to him including the name of the polling station at which he has to vote and the nurber of the elector shall be entered on the Counterfoil and a mark ~~xhixii~~ shall be placed in a con of the election roll against the number of the elector to denote that he has received a ballot paper but without showing the particular ballot paper which he has received On the counterfoil ~~xhixi~~ shall be entered the name of the division and the name or distinctive number of the polling station and signature or thumb impression of the elector

A [illegible]
President
21/4

Copy

A [illegible]
[illegible]

No 37 C R 5
Encls

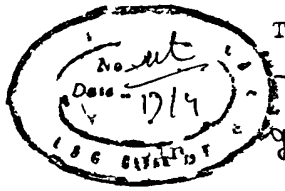
8

CITY MUNICIPAL COUNCIL
P B N 17
Mysore Dated 16-4-1952

From

THE MUNICIPAL COMMISSIONER
CITY MUNICIPAL COUNCIL
MYSORE

To



The Secretary to Government,
L S G Department, BANGALORE

17/4

SR MRs

In confirmation of the telephone message issued from this office regarding the supply of ~~40~~ to 50 spare copies of the draft rules for regulating the conduct of elections to the city Municipal Councils not fied in your No 742-CA 27-02-2 dated 11-4-1952, I request you kindly to arrange to send the same by return of post to enable distribution of the copies to the Members of the Council

Yours faithfully,

(L S SWAMINATHAN)
Municipal Commissioner
ka

for

L 1328/26/4/n

Dear Sir,

With ref to your letter no HC 151/80-57 dt 21-4-52, I am desired to make final inspection preceding the rules for conducting the general election in the municipality under the above Act. You may proceed with the election work by observing the following a calendar

Yours

Secy 26/4

The Dist Collr, Durgapur

by name

All other rules remain unchanged

The rules as finally published contain only minor changes in rules 7(3), 36, 38, 39 & 43, & the dft rules

IMMEDIATE

No C2 PR 3/52 53
Encls Proceedings

CITY MUNICIPAL COUNCIL
P B N 17
Mysore Dated 22nd April 1952

C H 22-52-10

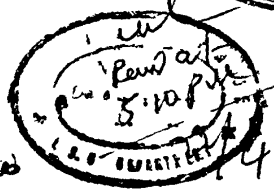
From

THE MUNICIPAL COMMISSIONER
CITY MUNICIPAL COUNCIL
MYSORE

To

The Secretary to Government,
L S G Department,
Bangalore

~~Proceedings of the President~~



23/4

Sir,

Subject - Draft Rules for regulating the conduct of Election of members to the City Municipal Council

---

With reference to your memo No 743-4 dated 11-4-1952 forwarding a copy of the above I enclose a copy of the proceedings of the Special Meeting of the Municipal Council held on 19-4-1952 resolving to make certain suggestions for the consideration of Government before the proposed draft rules are finally approved

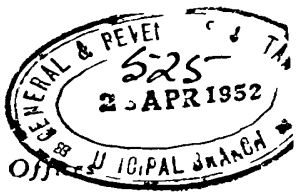
Yours faithfully

MSSwaminathan

(M S Swaminathan)
Municipal Commissioner

EDIATE*

DAVANGERE CITY MUNICIPALITY



Municipal Offices
DAVANGERE

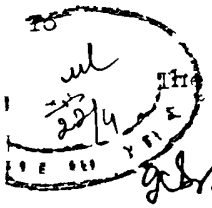
No H C 151/50-51

Encl

From

Date 21st April 1952

The Municipal Commissioner,
City Municipality,
Davangere



The Secretary to Government,
Local Self Government Department,
Bangalore

Sir,

With reference to your memo No L 743-4 dated 11th h
MAS April 1952 forwarding a copy of Draft Notification No L 742 C M dated 11th April 1952 in regard to the rules for regulating of the conduct of Election of members to the City Municipal Council , I write to state that copies of the notifications were got circulated amongst the Municipal Councillors of this City Municipality for furnishing their comments or objections if any in this behalf and to state that no objections in this behalf have so far been received from them However, I propose the following amendments as detailed below*

Section 31 Page 9

The following amendment is proposed for being inserted as Section 31 (a)

Selection of Polling stations, booths and Polling areas	* The Returning Officer shall have power to commandier such

of the Government and other Private Buildings as are required for being used as Polling stations

P T O

12

Section 33 Page 10

The following amendment is proposed for being inserted as Section 33 (e)

Duties of Polling Officers	The Returning Officer shall have power to specify the area within which canvassing or Election Propoganda is to be prohibited and issue such instructions as is deemed necessary for the conduct of peaceful and orderly polling

Section 39 Page 11

Sealing of ballot box before commencement of Poll	The Polling Officer shall immediately before the commencement of the poll secure and seal (* insert) * in the presence of the Candidate or Candidates or their authorised agents who may be present at that time, in such manner as to prevent their being opened without breaking such seal * He shall thereupon place the boxes so locked and sealed inside the polling compartment for the receipt of ballot papers, but screened from observation except so far as it may be necessary to ensure that the ballot papers are duly placed in it

Yours faithfully,

20/12/82

(H VAZEER AHMED)
Municipal Commissioner,
Davangere City Municipality

HNM/2

C2 PR 3

Encls 1 S2 S3

13

GENERAL & PUBLIC MUNICIPAL BRANCH
S-44
24 APR 19..

OFFICE OF THE PRESIDENT
CITY MUNICIPAL COUNCIL

Mysore Dated 22-4-52

From

THE PRESIDENT
CITY MUNICIPAL COUNCIL,
MYSORE

To

The Secretary to Government,

L S G Department, BANGALORE

Sir,

MAS

Subject - Draft Rules for regulating the conduct of Election of Members to the City Municipal Council

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With reference to your memo No 743-4 dated 11-4-1952 forwarding a copy of the above, I enclose a copy of the proceedings of the Special Meeting of the Municipal Council held on 19-4-52 resolving to make certain suggestions for the consideration of Government, before the proposed draft rules are finally approved

Yours faithfully,

A Krishnamurthy Rao

(A KRISHNAMURTHY RAO)
PRESIDENT

PSK

14

DRAFT

NOTIFICATION

In exercise of the powers conferred by Sections 10, 11 and 228 of the Mysore City Municipalities Act 1933, (Mysore Act No VIII of 1933) ~~as amended from time to time and after considering the objections and suggestions received in response to the draft rules published with Notification No.L.742/G-27-52-2 dated 11th April 1952~~, His Highness the Maharaja of Mysore is pleased to make the following Rules for the election of Members to the City Municipal Council and supersession of the rules issued in Notification No L 2150/Ml 92-33-5 dated 18th September 1933

~~Rules~~

xxx xxx xxx

(Here enter the rules and Forms)

By order of
His Highness the Maharaja,

Secretary to Government,
L S G Department

To

The Compiler, Lysore Gazette, for publication in ~~part IV of~~ the Gazette Extra ordinary

Memo No L

Copy of the above is forwarded to

1 The Municipal Commissioner, City Municipality, Davangere thro' the President,
2 ,, Municipal Commissioner, Mysore City Municipality (thro' the President

for information

For Secretary to Government,
L S G Department

knr026.4

the draft of the Rules hereby have been published by Extraordinary Mysore Gazette dated 11th April 1952 vide notification No L 742 + C M 27-52 2 dated 11th April 1952 as required by sub section (4) of Section 228 of the said Act-

For favour of Scrutiny

Law Secy) 26/4

Legislative xxx 26/4

Draft rules as revised in for Law Secy's

Law Secretary) 26/4/52 26/4/52

Draft amendments may be adopted

Secy Legislative) 26/4 26/4

Secy

Ph N 25 7

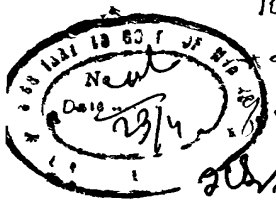
G C Veerappa BA BL
N Karaddappa BS LLB
ADVOCATES

COMD P T
BANGALORE CITY

18 4 52

To The Secretary to Govt Local Self Govt

Re Draft Rules
for regulating the Conduct
of Elections in Mysore City
Municipality



23/4 23/4 23/4

Rule 3(2) Proviso

(in MAS)

The above proviso provides for an employee on the City Municipality what about a private person who is absent on business of his own in foreign place or on any other bonafide cause?

Rule 7(3), States "claim or objection shall be accompanied by any document."

This rule may give room to say that the claim

NOTIFICATION

or objections with out any document
well not be - valid

There may be - some objections
where no document is needed
for example a female name
may be included as plaintiff
& the name of male what is
the document necessary in
this case? As per rule the
objection is to be - rejected
Since there is no document
the word shall as the rules
requires document. This may
not be the intention of the
legislature

Better this clause is to be -
on Hold or it may be worded as
"A claim or objections shall be
accompanied by documents if any -
on which the claiment or objector
relies

Yours sincerely
G C Veerappa

NOTIFICATION

N L 1325—C M 27 52 7 dated B ngal re 26th Ap il 1952

In exercise of the powers conferred by Sections 10 11 and 228 of the Mysore City Municipalities Act 1933 (Mysore Act No VII of 1933) and in supersession of the rules issued in Notification No L 2150—Ml 92 33 5 dated 18th September 1933 His Highness the Maharaja of Mysore is pleased to make the following Rules for the election of members to the City Municipal Councils the draft of the Rules having been published in the *Mysore Gazette* Extraordinary dated 11th April 1952 in Notification No L 742—C M 27 52 2 dated 11th April 1952 as required by sub section (4) of Section 228 of the said Act

RULES

Short title and definitions

1 (1) These rules may be called the Mysore City Municipalities Election Rules 1952

(2) In these rules unless there is anything repugnant in the subject or context —

(*a*) ' Act means the Mysore City Municipalities Act 1933

(*b*) Division or constituencies ' means the territorial division of the Municipality fixed in accordance with the provisions of section 10 (*d*) of the Act

(*c*) Form means a form appended to these rules

(*d*) 'Returning Officer means the Municipal Commissioner of the Municipality and

(*e*) All other expressions shall have the meaning respectively assigned to them under the Act

Election Roll

2 Two months prior to the date of expiry of the term of office of the Municipal Councillors the Returning Officer shall prepare for every constituency or division an election roll in which shall be included the names of all persons appearing to be entitled to be registered therein It shall be published in the division together with a notice specifying the mode in which and the time within which claims for inclusion in the roll or objections to any names or particulars entered in the rolls are to be preferred

Qualification for Enrolment in the Election Roll

3 (1) Every person of either sex who was not less than 21 years of age on the first day of April preceding the date on which the election roll is published and who is not otherwise disqualified under this Act shall be included in the election roll as qualified to vote at the election for any of the constituencies notified under Section 10 (*d*)

(2) No person shall be included in such election roll as qualified to vote at such election unless he has resided in such constituency for one hundred and eighty days in the aggregate in the year preceding that in which the election roll is published

Provided that a person shall not be deemed to be disqualified under this sub rule if he is employed in the City Municipality and non residence in the constituency for the period aforesaid is due to his absence on leave out of the State

Explanation —For the purpose of this rule no person shall be deemed to reside in more than one constituency

4 The election roll for each constituency shall be prepared in Kannada in Form I

5 The election roll shall contain—

(*a*) the number and name of the constituency
(*b*) the name of each elector
(*c*) the name of the father of each elector or if the elector is a woman the husband s name or other identifying particulars
(*d*) the sex of each elector
(*e*) the age of each elector
(*f*) the number of the house at which each elector resides

6 The election rolls of all constituencies shall be published at the Municipal Office and the roll for each constituency in such conspicuous place in each consti tuency as the Returning Officer may deem fit

7 (1) Any person whose name is not entered in the roll or is entered in an incorrect place or manner or with incorrect particulars or any person whose name is entered in the roll and who objects to the inclusion of his own name or the name of any other persons in the roll, may prefer a c'aim or objection to the Returning Officer

(2) All such claims and objections shall be made in writing and not later than three o clock in the afternoon on the fourteenth day from the date of publication of the election roll Claims and objections received after that time shall be rejected by the Returning Officer

(3) A claim or objection shall be accompanied by the documents if any on which the claimant or objector relie

Enquiry into claims and objections

8 (1) The Returning Officer shall hold a summary enquiry into the claims or objections preferred and shall *record his decision in writing*

(2) For the purpose of the Returning Officer s enquiry the roll as published shall be presumed to be correct and complete until the contrary is proved

(3) No party shall be represented by any legal practi tioner at any proceeding under the provisions of this rule

9 The Returning Officer shall amend the roll in accordance with his decisions on all claims and objections He may also on his own motion order the correction of any clerical error or printing mistakes therein

10 The orders passed by the Returning Officer under rules 8 and 9 shall be final

11 (1) The Returning Officer shall publish the final election roll with the said amendments in the manner specified in rule 6 within ten days from the last date of rece pt of objections

(2) One copy of the final election roll as publi hed shall be certified by the Returning Officer and deposited in the Municipal Office

(3) Such number of copies of the final election roll as published as the Returning Officer deems to be sufficient, shall be kept by him for sale

12 The following papers, namely,—

(i) the preliminary election rolls published under the provision of rule 6

(ii) claims and objections having reference to the preliminary rolls, the registers recording such claims and objections and the orders of the Returning Officer thereon,

(iii) the final election roll published under the provision of rule 11

shall be preserved in the municipal record room until after the next revision of the election rolls and shall then be destroyed or sold as waste paper

13 Any member of the public shall have a right to inspect any of the papers specified in the last preceding rule on payment of a fee of two rupees and to obtain certi fied and attested copies thereof on payment of the same fees as are prescribed for copies of revenue records

14 A general election shall be held as often as may be necessary, for the constitution of a new municipal council, before the expiration of the term of the previous municipal council

Publication of election calendar

15 Not less than one month before the date fixed for an election the Returning Officer shall publish a notice stating —

(*a*) the number of persons to be elected

(*b*) the divisions for which they are to be elected

(*c*) if any seat is reserved the constituency in which it is reserved and the qualifications of the candidates for that reserved seat

(*d*) the date on which and the places at which notices of candidature should be presented an interval of twenty days being allowed between the date fixed for the election and the last date for presentation of notices of candidature

(*e*) person to whom the notice of candidature should be presented

(*f*) the date on which the notices of candidature will be taken up for scrutiny

(*g*) the date on or before which candidature may be withdrawn

(*h*) the day on which and the place or places where the votes of the electors will be taken should there be a poll and the hours during which the poll will be taken not being less than eight hours between 8 A M and 6 P M and

(*i*) the day on which and the place and hour at which the Returning Officer will commence the counting of the votes

The Returning Officer shall cause the notice to be published in the *Mysore Gazette* and the local daily newspapers if any and copies thereof shall be affixed in the municipal office and in important places in each division for which the election is to be held

Qualification for candidates

16 Any person who is qualified to be a candidate may stand for election either in the division for which his name is entered in the election roll or in any other division

Provided that no person who does not belong to the Scheduled Castes shall stand as a candidate for a seat if any, reserved for the Scheduled Castes

Presentation of notice of candidature

17 (1) On or before the date specified in clause (*d*) of rule 15 for the presentation of notices of candidature each candidate shall between the hours of eleven o clock in the forenoon and three o clock in the afternoon deliver

the notice of candidature personally to the Returning Officer, or to such other person as may be authorised by the Returning Officer by a notification published in this behalf

(2) The notice of candidature shall be in Form II The candidate for councillorship shall be nominated in writing by two persons entitled to vote in the division from which the candidate desires to be elected It shall bear an endorsement signed by the nominee specifying his willingness to serve as a councillor The notice of candidature may also be delivered by any of the nominators personally to the Returning Officer on the date specified in sub rule (1)

Explanation —Notices delivered any time other than the hours prescribed above shall be treated as delivered on the next working day

18 Any notice of candidature which is not received before three o clock in the afternoon on the date appointed under clause (*d*) of rule 15 for the presentation of notices of candidature shall be rejected

19 Printed copies of the forms of notices of candidature shall on application be supplied to any elector in the division by the office of the Returning Officer there of on payment of two annas per copy

20 (1) At the time of delivery of notices of candidature each candidate shall enclose with the notice of candidature, a treasury or bank receipt (chellan) showing that a deposit of one hundred rupees has been made by him or on his behalf in the treasury or bank notified by the Returning Officer A separate deposit shall be required in respect of each division for which he wishes to stand as a candidate

Provided that the sum to be deposited by a candidate who is a member of the Scheduled Castes shall be twenty five rupees

(2) No notice of candidature shall be deemed to be valid unless the deposit has been made

21 On the presentation of notice of candidature, the Returning Officer or other person authorised under rule 17, shall inform the candidate of the date, time and place appointed for the scrutiny of notices of candidature and

shall enter in the notice of candidature its serial number shall sign thereon a certificate stating the date on which and the hour at which the notice of candidature has been delivered to him and shall as soon as may be thereafter cause to be affixed in some conspicuous place in his office a copy of the notice of candidature

22 At the time of scrutiny of notices of candidature the candidates but no other person may attend at the office of the Returning Officer or at such other place as he may appoint and the Returning Officer or other person authorised under rule 17 shall give them all reasonable facilities for examining the notices of candidature of all candidates standing for election for the division concerned

23 (1) On the third day after that fixed for the presentation of notices of candidature at a time to be intimated the Returning Officer shall examine the notices of candidature and shall decide all objections which may be made to any notice of candidature and may either on such objection or on his own motion after such summary enquiry if any as he thinks necessary reject any notice of candidature on any of the following grounds —

(*a*) that the candidate is not qualified or is disqualified for election under the provisions of the Act or of these rules

(*b*) that there has been any failure to comply with any of the provisions of rules 17 and 20

(*c*) that the candidate is not identical with the person whose number or name on the election roll is given in the notice of candidature as the number or name of such candidate

(*d*) that the signature of the candidate is not genuine or has been obtained by fraud and

(*e*) that the proposer or seconder is a person whose name is not registered on the election roll of the division or constituency in which the candidate seeks election

(2) Nothing contained in this rule shall be deemed to authorise the rejection of any notice of candidature on the ground of any irregularity if the candidate has delivered another notice of candidature in respect of which no irregularity has been committed

[illegible] The Returning Officer or other person authorised under rule 17 shall endorse on each notice of candidature his decision accepting or rejecting the same and, if the nomination of candidature is rejected shall record in writing a brief statement of his reasons for such rejection.

(2) The scrutiny shall be completed on the same day and no adjournment of the proceedings shall be allowed

Withdrawal of candidature.

35 (1) Any candidate may withdraw his candidature by notice in writing subscribed by him and delivered in person to the Returning Officer or the person authorised under rule 17 not later than 3 P M of the next working day after the scrutiny of the nomination papers

(2) A candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal or to present a nomination of candidature for the same election

Notification of withdrawal

[illegible] The Returning Officer or the person authorised under rule 17 shall, on receiving a notice of withdrawal under rule 35, as soon as may be cause a copy of such notice to be affixed in some conspicuous place in the [illegible] office and in his office.

Publication of list of [illegible]

[illegible] after the expiry of the period within which candidates may be withdrawn under rule 25 the Returning Officer or the person authorised under rule 17 shall after [illegible] of each candidate, any of the symbols from the list specified in the schedule to these rules, prepare a list of [illegible] in Form III showing the names of the candidates whose nominations of candidature [illegible] and who have not withdrawn, with the symbols assigned to them and with [illegible] particulars as to [illegible] if there are two or more candidates [illegible] the same name, and cause it to be affixed in some [illegible] of the [illegible] office at 5 o clock on [illegible] after the last time for the withdrawal of [illegible]

[illegible] In the case of [illegible] shall apply in respect of [illegible] have not been rejected and [illegible]

[illegible] the Returning Officer [illegible] to be duly elected to [illegible]

(*b*) If there are two or more candidates the Returning Officer shall arrange for a poll to be taken and

(*c*) if there is no candidate the seat shall be filled up in accordance with the provisions of Section 9 (4) of the Act

29 If a person whose candidature has been notified under clause (*b*) of rule 28 withdraw or dies before the commencement of the poll the Returning Officer shall upon being satisfied of the fact of the candidate s with drawal or death cancel his name in the list of candidates if there is sufficient time to do so before the date fixed for polling

Provided that a failure to make such cancellation shall not affect the election proceeding

30 Votes shall be given by ballot and in person and in the manner provided therefor in these rules save as otherwise provided in rule 49 No votes shall be given by proxy

31 The Returning Officer shall select for the whole or so much of any division as many polling stations and as many polling booths in each polling station as he thinks necessary and allot an electoral area to be known as polling area for each polling station or booth as the case may be

32 (1) The Returning Officer shall appoint a polling officer for each polling station and may if necessary appoint such other persons (hereafter referred to as polling clerks) as he thinks necessary to assist the polling officer

Provided that if a polling clerk is absent from a polling station the polling officer may appoint any person who is present at the polling station to be a polling clerk during the absence of the former clerk and inform accordingly the Returning Officer

(2) If the polling officer owing to illness or other unavoidable cause is obliged to absent himself from a polling station his duties shall be performed by one of the polling clerks who shall be duly authorised in this behalf by the Returning Officer

33 The polling officer shall keep order at the polling station shall see that the election is fairly conducted, Duties of polling officer

shall regulate the number of electors to be admitted at one time and shall exclude all other persons except—

(*a*) the polling clerks

(*b*) the candidate and where a division has more than one booth at each booth one agent of each candidate appointed in writing by the candidate and approved by the Returning Officer

(*c*) the police or other public servants on duty and

(*d*) such other persons as the polling officer may from time to time, admit for the purpose of identifying the electors

34 If any person misconducts himself at the polling station or fails to obey the lawful orders of the polling officer or the polling clerk performing the duties of the polling officer he may immediately, by order of the polling officer or such polling clerk be removed from the polling station by any police officer or by any other person authorised in writing by the polling officer or such polling clerk to remove him and the person so removed shall not except with the permission of the polling officer or such polling clerk be allowed again to enter the polling station during the day

Provided that this power shall not be exercised so as to prevent any elector who is otherwise entitled to vote at any polling station from having an opportunity of voting at such polling station

34A

35 Subject to the provisions of rule 49, no elector shall be admitted to vote except at the polling station fixed under rule 31 for the polling area under which his name appears on the election roll

36 The polling officer shall close the polling station at the hour appointed for closing the poll so as to prevent the admission thereto of any elector after that hour

Provided that, if any elector is already in the polling station at the hour aforesaid such voter shall be supplied with a ballot paper and allowed to record his vote

37 Each polling station or booth as the case may be shall contain a separate compartment in which electors can record their votes screened from observation As far as possible separate compartments and separate entrances and exits shall be provided for women electors

38 The Returning Officer shall provide in each polling compartment at each polling station, as many ballot boxes as there are candidates the box of each candidate bearing the serial number and the distinctive symbol assigned to him pasted both inside and outside He hall also provide a sufficient number of envelopes bearing the distinctive symbol a signed to the candidates to give effect to sub rule (3) of rule 49 together with necessary outer covers copies of the election roll or such part thereof as contains the names of the electors entitled to vote at the station and such other papers stationery and forms as may be necessary

39 Every ballot box shall be so constructed that the ballot papers shall be introduced therein but cannot be withdrawn therefrom without the box being unlocked The polling officer shall immediately before the commencement of the poll secure and seal the ballot boxes in the presence of the candidate or his agent or such of the electors as are present in such manner as to prevent their being opened without breaking such seal He shall there upon place the boxes so locked and sealed inside the polling compartment for the receipt of ballot papers but screened from observation except so far as it may be necessary to ensure that the ballot papers are duly placed in it

40 A notice shall be put up at the entrance to the polling station giving the numbers and names of the candidates as published in Form III There shall be given against the name of each candidate both description and a sample of the distinguishing symbol to be used on the ballot box assigned to the candidate

41 Each polling officer shall be supplied by the Returning Officer with a list of elector for the division for which such polling officer is appointed The ballot papers and ballot boxes shall be delivered to the polling officer by the Returning Officer or other person authorised by him sufficiently early before the hour fixed for the starting of the poll

42 Ballot papers shall be in Form IV and shall have counterfoils attached to them which shall be in Form IV A They shall be serially numbered both in the foil and on the counterfoil On every ballot paper such mark as may be directed by the Returning Officer shall be stamped across the perforation between the ballot paper and the counterfoil in such a manner that the mark falls partly on the ballot paper and partly on the counterfoil

Procedure before the ballot paper is delivered to the elector

43. Immediately before a ballot paper is delivered to an elector, the number name and description of the elector as stated in the electoral roll shall be verified with reference to an identification slip issued by the Returning Officer or any other Officer authorised by him containing the name of the voter and other particulars relating to him including the name of the polling station at which he has to vote and the number of the elector shall be entered on the counterfoil and a mark shall be placed in a copy of the election roll against the number of the elector to denote that he has received a ballot paper but without showing the particular ballot paper which he has received On the counterfoil shall be entered the name of the division and the name or distinctive number of the polling station and signature or thumb impression of the elector

Manner of recording vote

44. The elector on receiving the ballot paper shall forthwith proceed into the polling compartment and there place the ballot paper or papers in the ballot box according to his choice Every elector shall vote without undue delay and shall quit the polling station as soon as he has voted He shall not place anything except a ballot paper in any box Anything other than ballot paper found in any box shall be forfeited to the municipal council

Assistance to blind voter

45. (1) If the polling officer is satisfied that an elector is incapacitated by blindness from voting in the manner prescribed in rule 44 the polling officer shall ascertain from the elector for which candidate he wishes to vote and shall place the ballot paper or papers in the box bearing the serial number and the symbol assigned to the candidate for whom he wishes to vote

(2) In the case of every elector whose ballot paper is dealt with in the manner laid down in sub rule (1) a note shall be made on the counterfoil by the polling officer of the reason why the paper was so dealt with, but without indicating the manner in which the votes were cast

Identity of Electors

46. The polling officer shall satisfy himself as to the identity of the person tendering the vote and may disallow the vote of any of the person who declines to answer any reasonable question put to him for this purpose or whose identity is not established to his satisfaction The polling officer is also responsible for seeing that the votes are recorded with absolute secrecy that no person who is not entitled to vote is admitted near the table and that the persons who have recorded their votes leave the place immediately

47 If a person representing himself to be a particular elector named on the election roll applies for a ballot paper after another person has voted as such elector the applicant shall after duly answering such questions as the polling officer may a k be entitled to receive a ballot paper in the same manner as any other elector Tendered vot s

The polling officer shall write the word Tendered in bold characters on the face of the ballot paper before it is handed over to such person On receipt of such ballot paper (hereinafter referred to as tendered ballot paper) the elector shall proceed into the polling compartment and there place the ballot paper in an envelope bearing the symbol assigned to the candidate for whom the appli cant wishes to vote He shall then stick the envelope and enclose the same in a cover and hand it over to the polling officer The polling officer shall make an endorsement containing the name of the elector and his number on the electoral roll and the number of division for which the election is held and shall set aside the cover in a separate packet the ballot papers in which shall not be counted by the Returning Officer The name of the elector and his number in the electoral roll and the name or distinctive number of the polling station to which the roll relates shall be entered in a list in Form V which shall bear the heading Tendered Votes List The person tendering such ballot paper or papers shall sign his name and address on that list or affix his thumb impression thereto

48 An elector who has inadvertantly dealt with his ballot paper in such a manner that it cannot conveniently be used as a ballot paper shall on delivering it to the Polling Officer and satisfying him of the inadvertence obtain another ballot paper in place of the spoilt paper and the latter shall together with its counterfoil be marked as cancelled by the officer Spoilt ballot papers

49 (1) A polling officer, or other person who is on duty at a polling station at which he is not entitled to vote shall if he is certified by the Returning Officer to be entitled to vote at the election for any division be allowed to record his vote at that polling station The said certificate shall be in Form VI Voting of officials on duty at polling station

(2) If the polling station at which the person is on duty is in the same division as the one in which he is entitled to vote then the polling officer shall on production of the said certificate issue a ballot paper to the

person concerned in the same manner as to any other elector The name of the polling station at which he would otherwise have been entitled to vote shall be entered in the counterfoil of the ballot paper together with his number on the electoral roll for the division in which that polling station is situated and the provisions of the rule 44 shall apply The certificate referred to in sub rule (1) shall be filed by the polling officer

(3) If the polling station at which the person is on duty is not in the division in which he is entitled to record his vote the Returning Officer shall in addition to the certificate in Form VI furnish the polling officer concerned with particulars regarding the names of and serial numbers and symbols assigned to the candidates standing for the election in that division together with a ballot paper relating to such division and envelopes marked with each of the symbols assigned to such candidates The polling officer shall receive the certificate and issue the ballot paper The person concerned shall then proceed into the polling compartment and place the ballot paper in an envelope bearing the symbol assigned to the candidate for whom he wishes to vote He shall then stick the envelope and enclose the same in a cover and hand it over to the polling officer The polling officer shall make up into separate packets for each division the covers in which the votes have been so recorded the connected certificates being fastened to the cover seal up such packets in the manner specified in rule 5 and forward the same to the returning officer

(4) The Returning Officer shall in cases governed by sub rules (2) and (3) immediately send a copy of the certificate to the polling officer of the polling station at which the person to whom the certificate is issued is ordinarily entitled to record his vote

50 The polling officer of each polling station as soon as practicable after the close of the poll shall in the presence of any candidates who may be present make up into separate packets and affix a seal and the seals of such candidates as may decide to affix their seals on—

(1) each ballot box in use at such station unopened and closed in such a manner as to prevent insertion of any more ballot papers but with the key, if any (which should also be sealed in the same manner as the ballot box) attached

(ii) the unused ballot papers
(iii) the spoilt ballot papers
(iv) the tendered ballot papers
(v) the marked copy of the electoral roll
(vi) the counterfoil of the ballot papers and
(vii) the covers referred to in sub rule (3) of rule 49

Statement by polling officer

51 The packets shall be accompanied by a statement in a separate cover in Form VII made by the polling officer showing the number of ballot papers entrusted to him and accounting for them under the heads of ballot papers in the ballot boxes unused spoilt and tendered ballot papers and ballot papers dealt with under rule 49

Despatch of ballot boxes

52 Subject to any directions given in that behalf by the Returning Officer the packets and statements referred to in the last two preceding rules shall be forwarded by the polling officer to the Returning Officer Each packet shall be numbered and shall bear a note on it as to its contents and the name of the polling station Where no vote has been recorded in any polling station the polling officer shall submit a Nil report together with the statement in Form VII and the empty boxe

53 (1) Notwithstanding anything contained in these rules the Returning Officer may for sufficient cause postpone the date or extend the period fixed for polling

(2) In emergencies such as disturbance of public peace or the intervention of floods, the Returning Officer may close the poll and announce an adjournment of the poll to a subsequent day

(3) The subsequent date to which polling is postponed or adjourned shall be notified in the municipal office or division in such manner as the Returning Officer thinks fit

54 Votes shall be counted by or under the supervision of the Returning Officer and each candidate and one representative of each candidate authorised in writing by the candidate shall have a right to be present at the time of counting No other person shall be allowed to be present except such persons as the Returning Officer may appoint as scrutineers to assist him in counting votes, and no person shall be appointed to assist in counting votes who has been employed by or on behalf of any candidate for any purpose whatsoever connected with election

55 The Returning Officer shall proceed as follows —

The ballot boxes relating to all polling stations in the division bearing the same serial number and symbol and all envelopes with the same symbols as those boxes enclosed in the covers which may have been received under rule 49 shall be opened one after another The ballot papers shall be taken out therefrom and counted and the total number of votes secured by the candidate concerned recorded in a statement He shall then proceed similarly with the boxes and envelopes of each symbol which may have been allotted to the candidates standing for election in the division

56 The Returning Officer shall allow the candidates and their representatives reasonable opportunities to inspect without handling all ballot papers which in his opinion are liable to be rejected He shall endorse on every ballot paper which is rejected the word rejected If any candidate or representative present questions the correctness of the rejections he shall also record on the ballot papers the grounds for the rejection

57 The Returning Officer shall as far as possible proceed continuously with the counting of the votes and shall during any necessary intervals during which the counting has to be suspended place the ballot papers and packets and other documents relating to the election under his own seal and the seals of such candidates or representative as may desire to affix them and shall cause adequate precautions to be taken for their custody

58 (1) A ballot paper shall be rejected if it—

(*a*) bears any mark by which the elector can be identified or

(*b*) does not bear the official stamp prescribed in rule 42 or

(*c*) bears the mark belonging to a division different from that of the ballot box in which it is found

Provided that a ballot paper dealt with under sub rule (3) of rule 49 shall not be rejected merely on the ground that it bears the mark of a division different from the one in which the elector is entitled to vote

Provided further that a ballot paper shall not be rejected under clause (*b*) if the Returning Officer is satisfied

beyond reasonable doubt that the ballot paper was the one issued by the polling officer.

(2) Except on the grounds mentioned in sub rule (1) no ballot paper shall be rejected.

(3) The decision of the Returning Officer as to the validity of a ballot paper shall be final subject only to reversal on an election petition.

Declaration of result

59 (1) After the Returning Officer has completed the scrutiny and counting of votes, he shall prepare a statement of the results of the polling in Form VIII and shall declare the candidate to whom the largest number of valid votes in the division has been given duly elected.

(2) The Returning Officer shall forward a copy of the statement in Form VIII to the Secretary to Government for Local Self-Government as soon as possible after reporting the result of election under rule 63.

(3) Any candidate shall on application be permitted to take a copy or an extract from the statement in Form VIII.

Procedure in case of equality of votes

60 Where an equality of votes is found to exist between one candidate and the addition of one vote will entitle any of the candidates to be declared elected the determination of the person to whom such one additional vote shall be deemed to have been given shall be made by a lot to be drawn in the presence of the Returning Officer and in such manner as he may determine.

Election to more than one seat in a Municipal Council

61 If a person is elected to more than one seat in a Municipal Council he may by notice in writing signed by him and delivered to the Commissioner of the Municipality within seven days from the date of publication in the *Mysore Gazette* that he has been so elected or if such publications have been made on different dates within seven days from the later of such dates intimate which of the seats he wishes to retain and thereupon the seat or seats which he does not wish to retain shall become vacant. In default of such intimation within the said period all the seats to which he has been elected shall at the expiration of the said period become vacant. Vacancies arising under this rule shall be filled up in accordance with rule 71 as if they were causal vacancies.

Verification of statements

62. (1) The Returning Officer shall not open the sealed packets containing tendered ballot papers or the

marked copy of the electoral roll or the counterfoils of the ballot papers He shall verify the statement submitted by the polling officer under rule 51 by comparing it with the number of accepted ballot papers in his possession

(2) The Returning Officer shall then make up into separate bundles in respect of each candidate

(*i*) such of the ballot papers as have been accepted as valid and

(*ii*) the remaining ballot papers which have been rejected as invalid

He shall then make up both the bundles into one packet and seal the packet with his own seal He shall also enclose and re seal each of the other packets which were opened by him and record on each such packet a description of its contents

63 The Returning Officer shall without delay report the result of the election to the Government for being notified in the *Mysore Gazette* A list of members elected shall be put on the notice board of the Municipal Office

64 If a candidate by whom or on whose behalf the deposit referred to in rule 20 has been made withdrawn his candidature in the manner and within the time specified in rule 25 or if the notice of candidature be rejected the deposit shall be returned to the person by whom it was made and if any candidate dies before the commencement of the poll any such deposit, if made by him shall be returned to him or to his legal representative as the case may be or if not made by the candidate shall be returned to the person by whom it was made

65 The deposit made by or on behalf of a candidate shall be forfeited to the Municipal Council—

(*a*) if the candidate withdraws his candidature after the time specified in rule 25 or

(*b*) if the candidate is not elected and the number of votes polled by him does not exceed one eighth of the total number of votes polled in the division in which he stood for election

Provided that in the division in which the seat is reserved for scheduled castes the deposit made by or on behalf of the candidate shall not be forfeited unless the number of votes polled does not exceed one sixteenth of the total number of votes polled

Explanation —For the purposes of this rule the total number of votes polled shall be deemed to be the total number of ballot papers other than rejected ballot papers counted

Return of deposit of successful and unsuccessful candidates

66 The deposit made by or on behalf of a candidate whether such candidate is elected or not shall if it is not forfeited under the last preceding rule be returned to the candidate or the person who has made the deposit on his behalf as the case may be

Provided that in the case of a candidate who is elected such return shall be made as soon as may be after the publication of the result of the election in the *Mysore Gazette* If a deposit is made for more than one division only one deposit shall be returned

Custody of election papers

67 All the packets relating to the elections shall remain in the custody of the Returning Officer

Production and inspection of election papers

68 The packets of ballot papers whether counted or rejected and of the counterfoils thereof or of the declaration papers as the case may be shall not be opened and their contents shall not be inspected or produced except under the order of a competent court or of the Election Commissioner appointed to hold an enquiry in respect of election but all other documents relating to the election shall be open to inspection subject to such conditions as the Returning Officer may impose and to the payment of a fee of two rupees and attested copies thereof may be obtained by any person on payment of the same fees as are prescribed for revenue records

Destruction of election papers

69 (1) The packets aforesaid shall be retained for a period of one year and shall thereafter be destroyed subject to any directions to the contrary made by a competent court or by the Election Commissioner appointed to hold an inquiry in respect of an election

(2) The notices of candidature and the withdrawals from candidature shall be kept in the Municipal Office and shall be destroyed after four years

Power of Returning Officers and Polling Officers to overlook printing or clerical error in electoral rolls

70 If a question arises for the decision of the Returning Officer or the Polling Officer under these rules whether an entry in an election roll relates to a particular person the Returning Officer or the Polling Officer as the case may be may for reasons to be recorded in writing decide that the entry does or does not relate to the said person notwithstanding any clerical or printing errors therein

71 On a vacancy occurring in the Municipality between two general elections the Municipal Commissioner shall fix a date within a period of three months of the occurrence of the vacancy for the holding of an election to fill the vacancy The above rules shall apply to such bye election with such modifications as may be necessary

72 The Government may for sufficient reasons enlarge the period or alter the dates fixed for the several stages of election in the case of any City Municipality under the foregoing rules

SCHEDULE

(*Rule* 25)

1	Bell	9	Plough	17	Bicycle
2	Cart	10	Scales	18	Motor Car
3	Charaka	11	Sun	19	Watch
4	Cow	12	Tree	20	Scissors
5	Elephant	13	Umbrella	21	Wheel
6	Horse	14	Hand	22	House
7	Lion	15	Bird	23	Deer
8	A pair of bullock	16	Fish		

FORM 1

(*Rule* 4)

Name of city	No of division	Name of division if any

Sl No	House No	Name	Father's or Husband's name	Sex	Age
1	2	3	4	5	6

FORM No II

(Rule No 17)

City Municipal Council of

Notice of Candidature

1 Name or number of the Division in which the candidate desires to stand for election

2 Full name of candidate

3 Father s or Husband s name

4 Date of birth or age in completed ve rs

5 Address

6 Sex

7 Name of the scheduled caste if the candi date is contesting a rese ved seat and the division in which it is reserved

8 Name or Number of the Division in which the candidate is entitled to vote and his number in the electoral roll

9 Name of the proposer

10 Number of the proposer in the electoral roll of the Division

11 Name of the seconder

12 Number of the seconder on the electoral roll of the Division

13 Signature of the proposer

14 Signature of the seconder

Declaration of Candidate

I hereby declare that I am qualified to stand for election and I agree to this nomination and am willing to serve as a Coun illor if elected

Date 195 Signature of Candidate.

Certificate of Delivery

Serial No

This notice of candidature was delivered to me at my office at on the 195

Returning Off cer or other authorised person

Certificate of Scrutiny

I have scrutinised the eligibility of the candidate and find that he is qualified to stand for election

Returning Officer or other authorised person

Date 195

FORM III

(*Rule* 28)

List of Candidates for Election

City Municipal Council

Name of Division

Sl. No	Name of candidate	Address of candidate	Symbol assigned to candidate
1			

NOTE —The poll will be taken between day of 195 and

Date 195

Returning Officer or other authorised person

FORM IV

BALLOT PAPER

(*Rule* 43)

City Municipal Council of ....

Serial No

Name and number of Division

FORM IV (A) (COUNTERFOIL)

(*Rule* 43)

City Municipal Council of

Serial No

Name and number of Division

Name or number of polling station

Number of elector on election roll

Signature or thumb impression of elector

FORM V

(*Rule* 48)

Tendered Voters List

City Municipal Council of

Name and Number	Division	Name of elec or	No in electoral roll	Signature of elector or thumb impression of elector if illite ate and address

FORM VI

(*Rule* 50)

Certificate entitling a person to vote at the Polling Station where he is appointed for duty

City Municipal Council of

Sri/Sm /Janab being duly registered as elector No in Division and being duly appointed for duty at the polling station of Division is entitled to record his/her vote at polling station of Division and at no other

Returning Officer or other Authorised Person

Date 195 Division

FORM VII

(Rule 52)

Statement of Polling Officer at Division City Municipal Council of in the Division after the polling on 195

Description	Number received	No of ballot papers in boxes	No of ballot papers in packets Rule (3)	No of tendered ballot papers Rule
1	2	3	4	5

No Unused	No Spoilt	Ballot papers dealt with under Rule (2) included under column (3)	Remarks
6	7	8	9

FORM VIII

(*Rule* 60)

Return showing results of the election for seats reserved for Division in the City Municipal Council of
Number

Name of candidate

Number of valid votes

Total number of valid votes

Total number of invalid votes

I do hereby declare that the following candidate has been duly elected for Division to the seat reserved for scheduled castes/to the general seat

Returning Officer

By Order of His Highness the Maharaja

K BALASUBRAMANYAM

Secretary to Government
Local Self Government Department

Appendix F G—1]

'46 '8

SUBJECT Rules for Regulating the Conduct of election of members to the city municipal Council

Section C H

File No 27-52

Serial No 1\

Diary No of letter replied to

No L 1747/C M 27 52-11

6-5-1952

To

The Municipal Commr

Mysore city Municipality

(Chiefs the president)

General and I evenue Secretariat

( )

the 19

Sir,

Date of issue

With Reference to your letter No C2 P R 3/52 53 dated 22-4 52 on the above subject I am directed to state that the final notification prescribing the Revised Rules for Regulating the Conduct of election of members to the city municipal Councils has been issued as No. L 1325/C M 27 52-7 dated 26 4.52 and a Copy there of has also been Separately sent to you The Rules as finally published contain only minor changes as Rules 4(3), 36, 38, 39 and 43 of the draft Rules which were effected on

Signed by

List of enclosures

Copied by

Examined by

accordance with
the suggestions of the Mysore City municipal
Council As regards the other proposals
I am to add that they were either deferred
or not considered not to be acceptable for
the following Reasons —

Rules 8, 9 & 10 : Enquiry as to, claims
and objections

The qualifications for inclusion in
the voters list are now presently (1) Completion
of 21 years of age on the 1st day of April
preceding the date on which the election
roll is published and (2) Residence for
180 days in the Constituency prior to
the date of publication of the election
roll during the last completed 6 years.
It will be very easy to decide
these points on the application of the party
who has to produce documents to
prove these qualifications and the Returning
Officer can finally decide the claims
and objections preferred as provided in
Rule 8 (2) There may therefore be no
need to provide for an appeal in
the present altered circumstances
The question will however be reexamined
in the light of the experience to be
gained during the ensuing elections
to the Devanagere City Municipality in
June 1952

Rule 34 Removal for misconduct
at polling stations

There can be no difference of

opinion as to the desirability adopting the provisions of Sections 126, 130 and 131 of the Representation of the People Act, 1951. But these provisions have to be made by Statute and not by Rules as they affect fundamental rights of association, speech, etc

the power to summon persons & make orders for discovery & production will also have to be given by law & not by rules, as the right to property will be affected

Yours faithfully
Dlb/2/5
L S G Secy
29/4/52

L 1647 /C M 27-52-11 6th May 1952

The Municipal Commissioner,
Mysore City Municipality,
Mysore
(through the President)

Subject - Rules for regulating the conduct of election of members to the City Municipal Councils

With reference to your letter No C2 P R 3/52-53 dated the 22nd April 1952, on the above subject, I am directed to state that the final Notification prescribing the revised rules for regulating the conduct of election of members to the City Municipal Councils has been issued in No L 1325/C M 27-52-7 dated the 26th April 1952 and a copy thereof has also been separately sent to you The rules as finally published contain only minor changes in Rules 7(3), 36, 38, 39 and 43 of the draft rules which were effected in accordance with the suggestions of the Mysore City Municipal Council As regards the other proposals, I am to add that they were either deferred or considered not to be acceptable for the following reasons -

Rules 8,9 and 10: enquiry into claims and objections

The qualifications for inclusion in the voters list are now primarily (1) completion of 21 years of age on the 1st day of April preceding the date on which the election roll is published and (2) Residence for 180 days in the constituency during the last completed official year prior to the date of publication of the election roll It will be very easy to decide these points on the application of the party who has to produce documents to prove these qualifications and the Returning Officer can finally decide the claims and objections preferred as provided in Rule 9(1) There may therefore be no need to provide for an appeal in the present altered circumstances The question will however be re-examined in the light of the experience to be gained during the ensuing elections to the Davangere City

Municipality in June 1952

Rule 34 Removal for misconduct at Polling Stations

There can be no difference of opinion as to the possibility of adopting the provisions similar to sections 126, 130 and 131 of the representation of the Peoples Act 1951 But these provisions have to be made by statute and not by rules as they affect fundamental rights of assemblage, speech etc

The power to commandeer private buildings for election purposes will also have to be given by law and not by rules, as the right to property will be affected

Yours faithfully,

(V HANUMANTHAPPA) 5/5
for Secretary to Government,
L S G Department

LNS 2 55

DAVANGERE CITY MUNICIPALITY.

Municipal Offices

DAVANGERE

No H C 3/52-53

Encl ONE Calendar of events

From

Date 1st May 1952.

The Municipal Commissioner,
City Municipality,
Davangere

To

The Secretary to Government,
Local Self Government Department,
Bangalore

Sir,

With reference to your D O letter No L 1228 dated 26th April 1952 issuing instructions in the matter of taking action for issuing the Calendar of events in connection with the Reconstitution of this City Municipal Council with effect from 1st July 1952 in pursuance of the rules framed and published in Notification No L 1225/ CI-27-52-7 dated 26th April 1952, I write to enclose herein for favour of information of Government a copy of the Provisional Calendar of events issued by me in this behalf The date of election is fixed for 16th June 1952

Yours faithfully,

(L. VAZ(R AI ED)
Municipal Commissioner,
Davangere City Municipality

HM/2

Office of the Municipal Commissio
Returning Officer,
Davangere City, Dated 25 th April

Notification No E C 3 /52-53 dated 25 th April 1 9 5 2.

The following provisional Calendar of events prepared in connec
with the Reconstitution of the Davangere City Municipal Council wi th
e to d from 1st July 1952 on the basis of Adult Franchise and Single
M ber Constituency- under the Provision of the New Municipalities
(Amendment of 1951) is hereby published for the general informa-
of the inhabitant of Davangere City

he General Flection wil be held in this City on 16-6-1952

e Prel minary Electoral Rolls of all the 29 Divisions of
t e Cit will be published on 20th April 1952 in the City
Municipal Office, Talu Office, Municipal Octroi Office,
Sub-Division Office and in other conspicuous places The
Electoral Rolls of all the Divisions will be available for
inspection in the Municipal Office during working hours -
excepting holidays

29 Councillors at one for each Division are to be elected Division Numbers 10, 13, and 24 are reserved for the Scheduled - Castes Any inhabitant of the City may prefer his claim or - objection under Rule 7(2) of the Mysore City Municipalities Election Rules of 1952 in writing to the Municipal Commissioner and Returning Officer on or before 13-5-1952 upto 3 P M Claims and objections received after that time shall be rejected

Notice of Candidature by each candidate should accompany with a Treasury Chellan for having deposited Rs 100/- to the Municipal Funds for General Seat

The deposit to be made as above by a Candidate who is a member of Scheduled Caste shall be Rs 25/- only No notice of Candidature shall be deemed to be valid unless the deposits has been made Separate deposits shall be required in respect of each Division for which a candidate wishes to stand Printed copies of the forms of notice of Candidature, shall on application be supplied to any Elector in the Division at the office of the Returning Offi on payment of the prescribed fee of 2 annas per copy.

C A L E N D A R-O F-E V E N T S

1	Date of Publication of Preliminary Electoral Rolls	20th April 1952
2	Preferring of Claims and objections	12th May 1952 not later than 3 o' Clock in the afternoon
3	Hearing of Objections	16th May 1952
4	Publication of the Final Electoral Rolls	22nd May 1952
5	Publication of Notice of ~~xlxztxrxix~~ Flection Calendar	10th May 1952
6	Presentation of notice of candidature	27th May 1952 11 A M to 3 P M
7	Publication of copies of notice of candidature	27th May 1952
	Scrutiny of notices of Candidature Disposal of objections if any	30th May 1952 Till 5 P M
	Withdrawal of Candidature	31st May 1952 Not later than 2 P M
10	Publication of list of Candidates with Symbols	1st June 1952
11	Date of Election	Monday - 16th June 1952 between 8 A M to 12 noon, and 1 P M to 5 P M
12	Counting of Votes	17th June 1952
13	Declaration of Results	18th June 1952

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25-4-52

(M.VAZEER AHAMED)
Municipal Commissioner and
Returning Officer, Davangere City
Davangere City Municipality

bns/-

FG—1] Elections to the Bangalore City Mcl.

SUBJECT

Section

File No

Serial No

Diary No of letter replied to

No L 2665 / 27-5-52

To

The Municipal Commissioner
Bangalore City Mcl.
(Chairman the President)

General and Revenue Secretariat

( )

the 19

Sir,

With reference to your letter No M.C. 3/52-53 dated 1.5.1952 forwarding for the information of Govt a copy of the provisional Calendar & other issues in connection with the ensuing Municipal elections, I am directed to observe that in preparing the election Calendar the instructions contained in Rule 15 of the Bangalore City Municipal Election Rules, 1952 have not been followed. Stages 1 to 4 in the Calendar relating to preparation of the electoral roll need not fall between

Date of issue

Signed by

List of enclosures

Copied by

Examined by

VD 015460—GPB—30,000—25 9 51

25 27

Calender of events as contemplated
in the Rules and have got to
be avoided therefore the election
Calender should be issued in the form
of a notice giving out details of the
different stages of election in
the order directed in Rule 15 of
the election Rules. A fresh Calender
may therefore be prepared and published
a month before the date of actual
date of election after carefully studying
the election Rules so that the validity
of the elections may not be challenged
at a later date on the ground of
any such procedural or legal flaw.

yours faithfully

K S G Sag

27/5/52

27/5

L 2665 28 dated 27/5/52

The Municipal Commissioner
Davangere City Municipality
(thro' the President)

Subject Elections to the Davangere City Municipal Council

With reference to your letter No H C 3/52-53 dated 1st May 1952 forwarding for the information of Government a copy of the provisional calender of events issued in connection with the ensuing Municipal elections, I am directed to observe that in preparing the election calender the instructions contained in Rule 15 of the Mysore City Municipalities Election Rules, 1952 have not been followed Stages 1 to 4 in the calender relating to the preparation of the electoral roll need not form part of the calender of events as contemplated in the Rules and have got to be omitted therefrom The election calender should be issued in the form of a notice giving out details of the different stages of election in the order indicated in Rule 15 of the election Rules A fresh and correct calender may therefore be got prepared and published a month before the actual date of election strictly in accordance with the requirements of the election Rules so that the validity of the elections may not be challenged at a later date on the ground of any such procedural or legal flaw

Yours faithfully,

(V Hanumanthappa)
For Secretary to Government,
L S G Department

2/11

knr-2/27 5

ECTION URGENT' 2-9

DAVANGERE CITY MUNICIPALITY

No H C 3/52-53

Encl

From

Date 29th May 1952

The Municipal Commissioner,
City Municipality,
Davangere

To

The Secretary to Government,
Local Self Government Department,
Bangalore

Sir,

SUBJECT Flection to Davangere City Municipality

With reference to your letter Number L 2665 dated 27th May 1952 on the above subject observing that the election Calendar should be issued under rule 15 as specified in the latest - rules issued by Government, I write to state that such a - Calendar of events under Rule 15 has been issued on the 10th May 1952 and this Calendar has already appeared in the Gazette of 22nd May 1952, a copy of the printed notification supplied by the Compilor, Mysore Gazette, is herein enclosed for favour of kind information Apart from its publication in the Gazette, this notification has also been published in local daily Action has been taken strictly according to rules and there has been no departure The election Calendar which was sent to you on 1st May 1952 was only a Provisional Calendar anditems numbers from 1 to 4 noted therein were included just to appraise the public about the fact of preferring their claims and objections as required in election Rules 2, 6, 7 and 8

Yours faithfully,

(M Vazeer Ahmed)
Municipal Commissioner,
Davangere City Municipality

HNM/2